

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
May 3, 2004  
7:00 P.M.**

**MAYOR JEFFREY A GRAHAM PRESIDING**

**PRESENT:**            **COUNCILMAN STEPHEN J. BRADLEY  
COUNCILWOMAN ROXANNE M. BURNS  
COUNCILMAN PETER L. CLOUGH  
COUNCILMAN TIMOTHY R. LABOUF  
MAYOR GRAHAM**

**ALSO PRESENT:**   **CITY MANAGER MARY M. CORRIVEAU  
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Sale of Real Property, Known As VL 225 Rexford Place, Parcel No. 10-05-107.000
- 2 - Authorizing Sale of Real Property, Known As VL 316 High Street, Parcel No. 6-06-125.000
- 3 - Approving Supplemental Agreement #5 for Marchiselli Aid Local Agreement, Bellew Avenue Reconstruction, Construction/Construction Inspection, PIN 775272
- 4 - Approving the Agreement With the New York State Housing Trust Fund Corporation for a FY 2003 Small Cities Community Development Block Grant and A Budget Amendment Request for the FY 2002 Grant
- 5 - Approving the Site Plan for the Construction of Parking Lots Located at 155-157 Woodruff Street, Parcels No. 14-02-105, 14-02-108 and 14-02-109 and at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111
- 6 - 7:15 p.m. – 2004-05 Operating Budgets
- 7 - 7:30 p.m. - Request for a Special Use Permit to Allow a Parking Lot at 120-144 Woodruff Street, Parcels No. 14-01-103 Through 14-01-111
- 8 - 7:45 p.m. - 2004-05 through 2008-09 Capital Budget

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 19, 2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

## **COMMUNICATIONS**

Notice of petition for assessment review has been received from Pepsi Cola Bottling Group and Carrols Corporation.

### **ABOVE PLACED ON FILE**

From the City Assessor advising Council that the following persons have offered to negotiate the sale and purchase of the following described City owned properties:

Rebecca Randall and Patty Fay for three vacant lots located on Katherine Street, Parcel nos. 3-09-405, 3-09-406 and 3-09-403.

### **ABOVE PLACED ON FILE**

Claim against the City was received from Rose Ward concerning the City billing her for picking up certain items from her property.

### **ABOVE REFERRED TO THE BOARD OF AUDIT**

Mayor Graham proclaimed the week of May 3<sup>rd</sup> as **Public Service Recognition Week** in the City of Watertown. Marlene Norfolk accepted the proclamation on behalf of the over 370 City employees.

Mayor Graham proclaimed the month of May as **Child Abuse Prevention and Awareness Month** in the City of Watertown.

Mayor Graham presented a certificate to Officer Richard Purvis in honor of being named **Officer of the Year**. Officer Purvis has worked on the drug task force for the past five years and was nominated for the award by Chief Piche. Mayor Graham thanked the Watertown Police Department for the outstanding job that they do.

## **PRIVILEGE OF THE FLOOR**

**Gary Derouin**, President of the DBA, addressed the chair inviting Council to attend the 1<sup>st</sup> Annual Crystal Ball, a fund-raiser for the DBA.

**Olivia Russell**, 728 Morrison Street, addressed the chair reading from a prepared statement on behalf of R.A.S.S.P. The group asked Council to support them in their lawsuit against the American Rock Salt Co. (Statement filed in the Office of the City Clerk).

**William Grube**, 549 Jefferson Street, addressed the chair asking when the house at 540 Jefferson Street was going to be demolished.

Mrs. Corriveau will check into this and get back to Mr. Grube.

**Sam Thomas**, Preservation Watertown, addressed the chair urging Council to reverse their decision on the demolition of the Iron Block. He stated that the \$50,000 bond had been raised by 50 citizens of the community who each pledged \$1,000. He also commented that Preservation Watertown would be willing to assist the City with the EPF process.

**Dan Francis**, 463 Harris Drive, addressed the chair regarding the sales tax issue. He urged Council to vote against the sales tax increase and suggested that the Council offer a counter proposal to the County of a 5-year moratorium on tax increases.

### **PUBLIC HEARING**

**AT 7:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE CITY OF WATERTOWN 2004-05 OPERATING BUDGET.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PARKING LOT AT 120-144 WOODRUFF STREET, PARCELS NO. 14-01-105 THROUGH 14-01-111.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

**AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE CITY OF WATERTOWN 2004-05 THROUGH 2008-09 CAPITAL BUDGET.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL 225 Rexford Place, approximately 56' x 90' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 10-05-107.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$756.00 submitted by Renato A. and Rita G. Ticzon, for the purchase of Parcel No. 10-05-107.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Renato A. and Rita G. Ticzon upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

### **SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA**

### **INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL 316 High Street, approximately 66' x 112' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 6-06-125.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public

use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$1,109.00 submitted by Billy and Debra Beach, for the purchase of Parcel No. 6-06-125.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Billy and Debra Beach upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED  
WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS on March 5, 2001, the City Council of the City of Watertown adopted a resolution approving the Master Federal and Local Aid Agreement for the reconstruction of Bellew Avenue, and

WHEREAS the reconstruction of Bellew Avenue, PIN 775272, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the City has received notification from the NYSDOT that costs and funding associated with the Preliminary Engineering Phase of the project need to be modified, and

WHEREAS the entire cost associated with this phase of the project is \$485,167, with the federal share equal to \$388,134 and the non-federal share equal to \$95,033, and

WHEREAS Marchiselli funds have been requested and approved for this phase of the project, in the amount of \$72,500, which represents 15% of the cost associated with this phase of the project, and

WHEREAS the City Council of the City of Watertown desires to advance the project by making a commitment of 100% of the non-federal share of the costs of this phase of the reconstruction of Bellew Avenue,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No 5 to the Marchiselli Local

Agreement for the Preliminary Engineering Phase of Bellew Avenue, and

BE IT FURTHER RESOLVED that the total cost for the above mentioned phase of the project is \$485,167; with federal funding of \$388,134 and non-federal funding of \$95,033 and that the City Council authorizes the appropriation of \$24,533 from the Capital Fund to cover the City's cost of participation in the above phase of the project, and

BE IT FURTHER RESOLVED that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager thereof, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not eligible, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute Supplemental Agreement No.5 to the Marchiselli Aid Local Aid Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

**SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, the following motion was made:

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND THE SUBJECT PARAGRAPH AT THE TOP LEFT HAND CORNER OF THE RESOLUTION TO READ: "APPROVING SUPPLEMENTAL AGREEMENT #5 FOR MARCHISELLI AID LOCAL AGREEMENT, BELLEW AVENUE RECONSTRUCTION, PIN 775272, PRELIMINARY ENGINEERING."**

**MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED  
WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS by resolution adopted February 18, 2003, the City Council authorized an application to the Community Development Block Grant Small Cities Program to secure funding for Phase II of the Near East Side Neighborhood Improvement District, and

WHEREAS by letter dated February 11, 2004, the City was notified that its application was partially funded in the amount of \$170,500, and

WHEREAS it is necessary to enter into a formal agreement between the City and the New York State Housing Trust Fund Corporation represented by the Governor's Office for Small Cities, a copy of which is attached and made part of this resolution, and

WHEREAS, in order to complete some of the activities that were not funded by the 2003 grant, it is necessary to amend the budget for the City's 2002 Small Cities Grant,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Small Cities Community Development Block Grant Agreement between the City of Watertown and the New York State Housing Trust Fund Corporation, represented by the Governor's Office for Small Cities, for the 2003 Small Cities Community Development Block Grant in the amount of \$170,500, and

BE IT FURTHER RESOLVED that the City Council authorizes the submission of a request to the Governor's Office for Small Cities to amend the budget for the City's 2002 Small Cities Grant to allow for the acquisition and demolition of 127-129 State Place, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Grant Agreement and Budget Amendment Request on behalf of the City Council.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED  
WITH ALL VOTING YEA**

**THE RESOLUTION "APPROVING THE SPECIAL USE PERMIT REQUEST  
SUBMITTED BY MATTHEW R. MORGIA, P.E. TO GYMO, P.C., ON BEHALF  
OF SAMARITAN MEDICAL CENTER TO ALLOW A PARKING LOT AT 120-  
144 WOODRUFF STREET, PARCELS NO. 14-01-105 THROUGH 14-01-111."**  
(Introduced on April 19, 2004, public hearing held this evening, appears in its entirety on  
page 79 of the 2004 Minutes Book).

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Following the vote, it was determined that the SEQRA form needed to be considered prior to the vote on the foregoing and following resolutions. Therefore, the following motion was made:

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO RESCIND THE VOTE. MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Council considered the SEQRA form before voting on the prior and following resolutions. While all the questions generated a no response, Councilwoman Burns did comment that there was the potential for small impact to the neighborhood due to traffic patterns and noise levels. However, she felt that they were not significant and would be minor in nature.

Councilman Clough asked if all of the concerns of the neighbors had been met.

Representatives from SMC indicated that the concerns had been addressed.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS Matthew R. Morgia, P.E., of GYMO, P.C., has made application for site plan approval on behalf of Samaritan Medical Center for the construction of a parking lot at 155-157 Woodruff Street, Parcels No. 14-02-105, 14-02-108 and 14-02-109 and for the construction of a parking lot at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on April 6, 2004, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That a revised site plan is submitted which illustrates the revised layout, grading, drainage and landscaping issues prior to City Council approval.
2. That the 20' front yard setback be extended to include Parcel No. 14-02-106 at the intersection with Sherman Street.
3. That the existing driveway openings at both parking lots that are left over as a result of the construction be closed up with new curb construction according to City specifications.



4. That the sidewalk surface grades for driveway crossings shall be at a straight through crossing grade and that there are to be no dipped sidewalk sections in those areas.

5. That the Water Department be contacted and asked to provide a depth of the main to determine if special construction in this area is needed.

6. That the landscape contractor for the project contact the City Planning Office prior to planting trees within the City owned street right-of-way to arrange a pre-planting inspection of the trees.

7. That the seven tax parcels that comprise the parking lot at 120-144 Woodruff Street and the three tax parcels that comprise the parking lot at 155-157 Woodruff Street be combined by way of a new metes and bounds description filed with the County Clerk.

8. That the west and east side buffer zones for the 120-144 Woodruff Street parking lot shall consist of a minimum of a 5' grassed area and that landscaping and fencing shall be added, if requested by the neighboring property owners.

9. That the ZBA grant the area variance for the front yard setback or the applicant meet the Zoning Ordinance requirements for the front yard setback.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Matthew R. Morgia, P.E., of GYMO, P.C., on behalf of Samaritan Medical Center, for the construction of a parking lot at 155-157 Woodruff Street, Parcels No. 14-02-105, 14-02-108 and 14-02-109 and for the construction of a parking lot at 120-144 Woodruff Street, Parcels No. 14-01-105 through 14-01-111, as shown on revised plans submitted to the City Engineering Department on April 23, 2004, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED  
WITH ALL VOTING YEA**

**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Sales Tax Issue**

Mayor Graham reviewed the history of the sales tax issue explaining the 1969 agreement. He discussed the recent negotiation sessions with the County stating that the City representatives were concerned about an equitable distribution. Since the last session, the County has taken the position that they didn't want to bargain with the committee any longer and only wanted to negotiate with the full Council, in open session.

Councilwoman Burns asked Councilman Clough if he had any additional comments about the sessions, since he and Mayor Graham were the Council's representatives.

Councilman Clough stated that this issue has dragged out for too long. He stated that Mrs. Corriveau was part of the sessions and the whole process was very tough on her, as it was political and her position is not. He commented that it would be easy to vote no on this because the County will move forward no matter what the Council does. However, Council needs to make sure that the City taxpayer is taken care of. Councilman Clough also stated that the airport should never have been part of the negotiation package. He stated that no one on this Council has endorsed a sales tax increase. However, if a vote isn't taken on this, the City taxpayers will be stuck with the airport. He stated that to be condemned by certain individuals on this issue is expected. He reiterated the fact that Council is not voting for a tax increase, but they are voting in order to protect the City taxpayers from carrying the entire burden and to make sure that the City taxpayers are not completely cut out of the distribution.

Mayor Graham commented that this resolution doesn't endorse the sales tax increase. He stated that the airport would be regionalized as a result of the resolution. He stated that this was clearly a political decision made at the County level and in Senator Wright's office. He also commented that the decision was made in the Senator's office to drop the increase to  $\frac{3}{4}\%$ . Mayor Graham thanked Councilman Clough and Mrs. Corriveau for their help in negotiations and commented that he feels it is a big mistake to vacate the 1969 agreement.

Councilman LaBouf commented that each Council member agrees that the airport should be regionalized. Therefore, he proposed that a separate resolution addressing that issue be introduced. He stated that he didn't see the necessity for making the distribution decision this evening.

Councilwoman Burns responded that she deals in realities and politics are realities. She commented that the airport issue has been kicked around for years. She remarked that she and Councilman Clough have worked for the past two and one-half years trying to make the airport a regional body. In 1990, the City was very close to transferring the airport to the County, when one Council member ruined that. She stated that there would not be a

transfer of the airport if Council doesn't act on the sales tax distribution. She also commented that trying to ignore the distribution is not in the City's best interest. She stated that Council is not supporting a tax increase, as it is not Council's decision. She also commented that she didn't see the County taking shots at the City when the Council is working on their budget. She stated that it would be unfair to City residents and to the County legislature to discuss this issue at a later date.

Councilman LaBouf responded that the airport issue could be a separate resolution.

Councilwoman Burns responded to Councilman LaBouf by asking if he thinks the City Council has the authority to pass a resolution making the County take the airport.

Councilman Bradley commented that the airport is included in both proposal attachments. It cannot be a separate thing.

Mayor Graham remarked that he understands the frustration. He discussed the recent meeting of town and village representatives and commented that a lot of people were not present and in some cases, those that were present did not understand the issue. He commented that ultimately, the Council's bargaining authority is only as much as we can hold up the Home Rule legislation. He stated that this isn't going to give the towns and villages long term fiscal bliss. He also indicated that this proposal would result in a \$3million surplus for the County. Therefore, he would expect the County to focus on tax cuts in the future for the citizens.

Councilman Clough remarked that he wouldn't support Councilman LaBouf's suggestion, as it would be a vote on something that would go nowhere.

Mrs. Corriveau reviewed the two attachments – A1 and A2 and explained what each indicated.

A1- This proposal is presented predicated upon the County's imposition of an additional sales and compensating use tax in the amount of 0.75%.

- County airport takeover on January 1, 2005, to include all operating expenses and outstanding debt.
- In the event the sales and compensating use tax for Jefferson County drops below 3.75%, distribution shall be in accordance with the rates in effect on March 1, 2004, unless otherwise agree.
- The City (along with the towns and villages) foregoes receiving distribution on the "additional revenue" for the first five quarters the new tax is in effect. During the first five quarters, Jefferson County will retain all funds collected in excess of 3%. During that same time, the distribution of the 3% sales tax to the County, Towns, Villages and City will be in accordance with the rates in effect on March 1, 2004.
- The following distribution agreement will take effect upon the commencement of the additional tax increase:

**Distribution of 3 ¾% Sales and Compensating Use Tax**

Dates	City Share	Town/Village Share	County Share
First Five quarters(9/1/04)	22.4%	27.4%	50.2%
Next year (12/1/05)	23.0%	28.0%	49.0%
Next year (12/1/06)	23.5%	28.5%	48.0%
From then on	24.0%	29.0%	47.0%

A2: This proposal is presented predicated upon the County's imposition of an additional sales and compensating use tax in the amount of 0.75%.

- The 1969 sales tax agreement remains in force in the first three percentages points of tax collected.
- City agrees to County airport takeover on January 1, 2005, to include all operating expenses and outstanding debt service expenses.
- If the County sales tax decreases from 3.75%, the distribution percentages for all sales tax collected in the County will revert to those that existed on March 1, 2004.
- The City (along with the towns and villages) foregoes receiving distribution on the "additional revenue" for the first five quarters the new tax is in effect.
- A distribution agreement will take effect when the additional tax increase commences as follows:

**Distribution on "Additional Revenue" Created by Increase in Sales Tax**

Dates	City Share	Town/Village Share	County Share	Blended City Rate At 3.75%
First Five quarters(9/1/04)	0%	0%	100%	22.4%
Next year (12/1/05)	3.0%	6.4%	90.6%	23.0%
Next year (12/1/06)	5.5%	8.9%	85.6%	23.5%
From then on	8.0%	11.4%	80.6%	24.0%

**MOTION WAS MADE BY MAYOR GRAHAM TO AMEND THE RESOLUTION TO READ EXHIBIT A2.**

There was no second to the motion.

Mayor Graham referred to the 1969 agreement and commented that he wished that the agreement could stay in effect.

Attorney Slye referred to the exhibits which indicate the date of March 1, 2004 and the fact that the resolution indicates that all parties have to agree.

Councilman Bradley referred to the last paragraph of the resolution, which stipulates that the City Manager is authorized and directed to negotiate the terminology acceptable to the County, which shall effect the City Council's stated intentions in the "Sales Tax Distribution Proposal" attached as Exhibit A. He stated that this paragraph should cover any concerns.

Councilman LaBouf requested at recess at 8:15 p.m.

Council reconvened at 8:20 p.m.

Mayor Graham commented that he was not going to make a symbolic no vote on this. He stated that he could be consoled by the fact that, by making a stink over this, no matter how much heat it generated this way, they were able to get some results for the City and other towns and villages.

Mayor Graham also referred to the survey poll conducted by the J.C.C. Center for Community Studies. He commented that he believed Dr. Olson's comments were politically motivated. He stated that he was extremely disappointed that the college president went on television and blamed poll results that didn't suit some people's interests on the students.

Mayor Graham complimented Councilman LaBouf for the courage to stand up for any tax of this nature.

Councilman LaBouf responded that he had heard a lot of talk in regards to doing what is best for the taxpayer. He stated that he feels that doing the best thing for the taxpayer is fighting to keep the money in their pockets. He also commented that there should be concerns for the business community. He remarked that the Chamber has come out in opposition to this. He stated that he is not a proponent of big government and doesn't feel that the Council should vote for something they don't agree with just so the County does something right with the airport. He stated that he makes decisions because they are the right ones for the people.

**MOTION WAS MADE BY COUNCILWOMAN BURNS TO AMEND THE RESOLUTION TO READ EXHIBIT A1.**

**MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN LABOUF AND MAYOR GRAHAM VOTING NAY.**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the County of Jefferson is requesting an increase in sales and compensating use tax to the total amount of 3 ¾%, and

WHEREAS in accordance with Section 1262(c) of the New York Tax Law, the City and County are authorized to enter into an Agreement for the distribution of sales tax revenue not otherwise set aside for County purposes, and

WHEREAS the City and the County have reached an Agreement in connection with the distribution of those funds,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby adopts the attached “Sales Tax Distribution Proposal” as the terms agreeable to the City in connection with the City/County Distribution Agreement, and

BE IT FURTHER RESOLVED that, to the extent that the attached “Sales Tax Distribution Proposal” differs with the language employed by the Jefferson County Board of Legislators approving an agreement with the City of Watertown, the City Manager be authorized and directed to negotiate the terminology acceptable to the County which shall effect the City Council’s stated intentions in the “Sales Tax Distribution Proposal” attached as ~~Exhibit A~~. **\*Exhibit A1.**

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE RESOLUTION  
AS AMENDED AND CARRIED WITH ALL VOTING YEA EXCEPT  
COUNCILMAN LABOUF VOTING NAY**

(Rules waived by motion of Councilwoman Burns, seconded by Councilman Bradley and carried with all voting yea except Councilman LaBouf voting nay.)

**Spring Clean Up**

The spring clean up day is Saturday, May 8<sup>th</sup> from 9-4 in the J.B. Wise lot.

**Armed Forces Day Luncheon**

This luncheon will be held on Wednesday, May 12<sup>th</sup>.

**Armed Forces Day Parade & Run**

These events will be held on Saturday, May 15<sup>th</sup>.

### **City Council Brief**

Mrs. Corriveau presented this update to the Council members. The City Assessor's Office has received the Excellence in Equity five-star award from the NYS Office Real Property Services, for the City's fifth consecutive year. Chief Gaumont is in Appleton, Wisconsin for final inspection of the City's new fire truck, which will be available on May 17<sup>th</sup> for Council inspection. An update on Arsenal Street repaving project indicates that work will begin on July 25<sup>th</sup>. The bus transfer/shelter facility construction will begin around May 24<sup>th</sup>, with work scheduled to be completed by August 9<sup>th</sup>.

### **Salt Pile**

Councilman Clough asked Council members to drive by the salt pile. He stated that he has never seen it so large or so spread out. He asked Attorney Slye for the status of this issue.

Attorney Slye explained that the City has determined not to become involved in the public nuisance suit. The claimants indicated in Federal District Court that they were going to remove the suit to State Supreme Court. The City can't join in a private nuisance suit and the court determined that it wasn't a public nuisance. The draft legislation has been given to the attorney for the salt pile and the attorney for the neighbors. The salt pile attorney sent back a letter. The claimants' attorney said that the residents would take nothing less than the City taking part in public nuisance legislation. He stated that he is personally not a fan of the proposed legislation, as he doesn't feel that it is enforceable. He stated that the problem might now rise to the level of a public nuisance. However, 18 months ago it did not.

Councilman Clough commented that they have always waited until fall to build up the pile, but that is not the case this year. He asked that the draft legislation be made available to Council again.

### **Budget Session**

A budget session will be held on Monday, May 10<sup>th</sup> at 7:00 p.m.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:34 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Donna M. Dutton**

City Clerk